

Expéditeur : le BUREAU INTERNATIONAL

**PCT**

NOTIFICATION DE TRANSMISSION DE COPIES  
DE LA TRADUCTION DU RAPPORT D'EXAMEN  
PRÉLIMINAIRE INTERNATIONAL  
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II  
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Destinataire :

GEISMAR, Thierry  
Breesé Derambure Majerowicz  
38, avenue de l'Opéra  
F-75002 Paris  
FRANCE

TIC

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Référence du dossier du déposant ou du mandataire 34149/PCT	<b>NOTIFICATION IMPORTANTE</b>
Demande internationale n° PCT/FR2005/000428	Date du dépôt international (jour/mois/année) 23 février 2005 (23.02.2005)
Déposant JAZZMUTANT etc	

**1. Transmission de la traduction au déposant.**

- ☒ Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).
- ☐ Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

**2. Transmission d'une copie de la traduction aux offices désignés ou élus.**

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

Aucun

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

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**3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.**

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse  n° de télécopieur +41 22 338 82 70	Fonctionnaire autorisé  Beate Giffo-Schmitt  n° de télécopieur +41 22 338 82 70
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# TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

## PCT

### RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 34149/PCT	POUR SUITE À DONNER Voir le point 4 ci-dessous	
Demande internationale no. PCT/FR2005/000428	Date du dépôt international ( <i>jour/mois/année</i> ) 23 February 2005 (23.02.2005)	Date de priorité ( <i>jour/mois/année</i> ) 23 February 2004 (23.02.2004)
Classification internationale des brevets (8 <sup>e</sup> édition, sauf indication d'une #dition ant#rieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant JAZZMUTANT		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 14 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- |                                                   |                                                                                                                                                                                             |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Cadre n° I    | Base de l'opinion                                                                                                                                                                           |
| <input checked="" type="checkbox"/> Cadre n° II   | Priorité                                                                                                                                                                                    |
| <input type="checkbox"/> Cadre n° III             | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle                                                                    |
| <input type="checkbox"/> Cadre n° IV              | Absence d'unité de l'invention                                                                                                                                                              |
| <input checked="" type="checkbox"/> Cadre n° V    | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input checked="" type="checkbox"/> Cadre n° VI   | Certains documents cités                                                                                                                                                                    |
| <input checked="" type="checkbox"/> Cadre n° VII  | Certaines irrégularités relevées dans la demande internationale                                                                                                                             |
| <input checked="" type="checkbox"/> Cadre n° VIII | Certaines observations relatives à la demande internationale                                                                                                                                |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Date d'établissement du présent rapport  
01 November 2006 (01.11.2006)

Fonctionnaire autorisé

Beate Giffo-Schmitt

e-mail: pt03@wipo.int

Bureau international de l'OMPI  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

no de télécopieur +41 22 338 82 70

Formulaire PCT/IB/373 (janvier 2004)

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

**34149/PCT**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/FR2005/000428**

International filing date (day/month/year)

**23.02.2005**

Priority date (day/month/year)

**23.02.2004**

International Patent Classification (IPC) or both national classification and IPC

**INV. G06F3/033**

Applicant

**JAZZMUTANT**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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INTERNATIONAL SEARCHING AUTHORITY

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Reference is made to the following documents:

- D1: US 2002/005108 A1 (LUDWIG), 17 January 2002  
(2002-01-17)
- D2: US-A-5 027 689 (FUJIMORI), 2 July 1991 (1991-07-02)
- D3: US-A-6 762 752 (PERSKI, HAIM ET AL.), 13 July 2004 (2004-07-13)
- D4: US-A-5 053 585 (INTERLINK ELECTRONICS, INC.),  
1 October 1991 (1991-10-01)

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Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☒ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Document D3 was published after the priority date claimed, but prior to the filing date of the present application.

Upon verification (see PCT Guidelines 6.06 through 6.10, 11.05, 17.26 and [17.26]), it appears that the priority date of the present application cannot be recognised for claim 2 because the subject matter of this claim - along with figures 1C, 2A-2C, 2E-2F, 3A-3D and many passages in the description - does not appear to be "explicitly or inherently disclosed" (see PCT Guidelines, 6.09) by the priority document.

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)

Claims 4, 7, 10, 12

YES

Claims 1-3, 5-6, 8-9, 11

NO

Inventive step (IS)

Claims \_\_\_\_\_

YES

Claims 1-12

NO

Industrial applicability (IA)

Claims 1-12

YES

Claims \_\_\_\_\_

NO

**2. Citations and explanations:**

**1. Novelty - Inventive step**

1.1 The present application does not meet the requirements set forth in PCT Article 33(1) in that the object of claim 1 - to the extent that it can be understood in light of the description; see Box VIII - does not satisfy the criterion of novelty defined by PCT Article 33(2).

Document D1, cited in the application on pages 2-3, describes (see the passages cited in the search report; the references in parentheses apply to D1):

a method for the control of a computerised piece of equipment by a device comprising a two-dimensional multi-contact sensor for acquiring tactile information (pressure sensor array), as well as

computing means (processor) that generate control signals as a function of said tactile information (see claim 1: "extracted information is used to create control signals"),  
*characterised in that it includes*

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

a step for generating graphical objects ("underlay graphics cues being displayed for the player," [0373]; "video display could for example provide dynamically assigned labels, abstract spatial cues, spatial gradients, line-of-sight cues for fixed or motor-controlled lighting, etc., which would be valuable for use in conjunction with the adapted null/contact touch pad controller," [0245]) on a screen placed underneath a transparent ([0258], [0373]), multi-contact tactile sensor (the "null/contact touch pad" type sensors can detect two or more points of contact simultaneously [0234] [0240]; in addition, the touch pads can be used in networks, or "arrays" [0372] or in groups of two or more used simultaneously [0373]), each of the graphical objects being associated with at least one specific processing rule, the sensor delivering, during each acquisition phase, a plurality of pieces of tactile information, each of said pieces of tactile information being subjected to a specific processing determined by its location relative to the position of one of said graphical objects (although not specified in detail in D1, it is obvious to a person skilled in the art that the different functions associated with the various pads 2731 through 2734 require specific processing rules).

A similar objection is raised against claim 9, which concerns a device corresponding to the method of claim 1. Consequently, the present

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

application does not meet the requirements set forth in PCT Article 33(1) in that the subject matter of independent claims 1 and 9 does not satisfy the criterion of novelty defined by PCT Article 33(2).

- 1.2 Likewise, the present application does not meet the requirements set forth in PCT Article 33(1) in that the subject matter of independent claims 1 and 9 - to the extent that it can be understood in light of the description; see Box VIII - does not satisfy the criterion of novelty defined by PCT article 33(2).

Document D2 also describes (see the cited passages of this document) the features of independent claims 1 and 9.

- 1.3 Furthermore, and still in spite of the lack of clarity mentioned below, the subject matter of claims 1 and 9 - even if it were to be considered novel - does not involve an inventive step in the sense of PCT Article 33(3) with respect to a combination of documents D1, D2 and/or D3; consequently, the requirements set forth in PCT Article 33(1) have not been met.

- 1.4 Lastly, dependent claims 2-8 and 10-12 concern
- either known features in analogous systems (see the search report); it is obvious for a person skilled in the art to apply these features, with a corresponding effect;
  - or slight structural modifications that fall



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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

within the scope of current practice for a person skilled in the art, and wherein the resulting advantages are easily predictable.

Consequently, the subject matter of dependent claims 2-8 and 10-12 do not involve an inventive step either.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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see form 210

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. Contrary to what is required by PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in documents D3 and D4 and does not cite these documents.  
As for the presentation of document D1 on pages 2-3, it is inexact in that D1 actually proposes:
  - a visual feedback, the touch pad being placed on top of a display; see in particular [0244] and [0258];
  - a command rule that varies as a function of the graphical object above which a contact is detected; see the multiple touch pads of figure 27.It is noted that the patent US6570078 corresponds to the application US2002/005108 (see page 1), and that there does not seem to be any reason to present them separately.

2. Any amended independent claim must be presented in two parts as required by PCT Rule 6.3(b), with the known features in combination with the prior art (document D1 appearing to be the closest) appearing in the preamble (PCT Rule 6.3(b)(i)) and the remaining features appearing in the characterising part (PCT Rule 6.3(b)(ii)). However, if the applicants are of the opinion that the two-part presentation would be inappropriate, they must reveal their reasons in their response. Furthermore, they must make sure that the description clearly indicates which features of the subject matter of the independent claims have

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Box No. VII Certain defects in the international application

already been disclosed in combination with those in document D1, which appears to be closest (see PCT Guidelines, III-2.3(a)).

3. In order to facilitate the examination of the compliance of the amended parts of the application with the provisions of PCT Article 34(2)(b), the applicants are invited to clearly identify the amendments made, be they amendments by addition, replacement or deletion, and to specify the passages of the application as filed on which these amendments are based (see also PCT Rule 66.8(a)). These amendments could, if necessary, be handwritten onto a copy of the relevant parts of the application as filed.
4. The applicants are requested to submit amendments by means of replacement pages, in accordance with PCT Rule 66.8(a). In particular, it is preferable to submit the amendments in triplicate. Furthermore, the applicants are notified that PCT Rule 66.8(a) stipulates that in PCT procedure, the examiner is not authorised to make amendments, however minor they may be.
5. If the applicants wish to submit informational elements concerning the subject matter of the invention, for example further details on its advantages or on the problem it solves, and if these elements are not based on the application as filed, these elements must not be submitted in the response alone, without being incorporated into

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Box No. VII

Certain defects in the international application

the application (PCT Article 34(2)(b)).

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Box No. VIII      Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The application does not meet the requirements set forth in PCT Article 6 because the claims are not clear.

1.      The final wording of claim 1, "each of said pieces of tactile information being subjected to a specific processing determined by its location relative to the position of one of said graphical objects" is vague and imprecise, contrary to the requirements of PCT Article 6. It is clear in the description, page 13, lines 9-12, that it is based on the graphical **object** on which a contact is detected that "a specific processing is applied to the data issuing from the sensor."
2.      Lines 15-16 of claim 1 must be clarified on the basis of the description, as must lines 11-12, since according to the description, each graphical object corresponds to a specific processing (if there were "at least one" of them, this would pose the problem of determining which one to apply). Claim 9 must be similarly clarified; moreover, it must be added to so as to contain elements corresponding to those of claim 1, including the generation of control signals (line 7 of claim 1) and the fact that the sensor delivers, during each acquisition phase, a plurality of pieces of tactile information (lines 12-13 of claim 1).
3.      The vague and imprecise wording in the description on page 21, lines 6-10 seems to indicate that the

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Box No. VIII

Certain observations on the international application

object of the protection is different from that defined in the claims. This results in a lack of clarity (PCT Article 6) when the claims are interpreted in light of the description.